

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MS & BP, LLC,

Plaintiff,

14-CV-05675 (RRM) (RER)

-against-

**TEMPORARY RESTRAINING
ORDER**

BIG APPLE PETROLEUM, LLC and
JOHN DOES 1-5,

Defendants.

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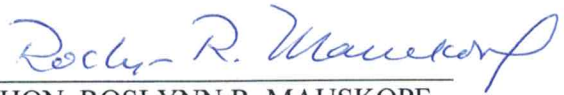
Whereas, before the Court is an application by the plaintiff, MS & BP, LLC ("MS & BP"), under FRCP 65, to extend an order issued by the Supreme Court of the State of New York, County of Queens issued on the 26th day of September, 2014 (Hon. Leslie J. Purificacion) (the "State Court Order") in the matter entitled *MS & BP, LLC v. Big Apple Petroleum, LLC and John Does 1-5* (Index No.: 14290/14), which, *inter alia*, temporarily enjoined the defendant, Big Apple Petroleum, LLC ("Big Apple"), from terminating or failing to renew 1) the Contract of Sale (Branded) between East River Petroleum Realty, LLC ("East River") and MS & BP dated August 1, 2011 (the "Supply Agreement"), and 2) the Station Lease (Branded) between East River and MS & BP dated September 1, 2011 (the "Lease") for the premises known as and located at 112-01 Beach Channel Drive, Rockaway Park, New York 11694 (the "Station");

Now, upon the Notice of Removal of the state court action filed by Big Apple on September 29, 2014; and the proceedings held before this Court on November 3, 2014; it is hereby

ORDERED, that this Order shall supersede the State Court Order; and it is further

ORDERED, that Big Apple is enjoined from terminating the Supply Agreement and Lease, which restraint shall continue up to and including January 7, 2015 at 5:00 p.m.; and it is further

ORDERED, that during the effective period of the temporary restraining order imposed against Big Apple, the parties shall comply with all of the terms, conditions and provisions of the Supply Agreement and Lease.


HON. ROSLYNN R. MAUSKOPF
11/13/2014